

# EXHIBIT A

**Thomas McBride**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -  
THOMAS McBRIDE : Civil Action  
:  
v. :  
:  
AMERICAN SUBSTANCE ABUSE :  
PROFESSIONALS, INC.; and :  
NATIONAL DIAGNOSTICS, INC.; :  
and JOHN DOES 1-10 : No. 2:10-cv-05737

- - -  
Friday, February 3, 2012  
- - -

Deposition of THOMAS E. McBRIDE, taken at the  
law offices of Gerolamo, McNulty, Divis & Lewbart, North  
American Building, Suite 1400, 121 South Broad Street,  
Philadelphia, Pennsylvania 19107, on the above date,  
beginning at 1:25 p.m., before Brad Tratenberg, Court  
Reporter and Notary Public.

- - -  
THOMAS G. OAKES ASSOCIATES  
National Court Reporting &  
Litigation Support Services

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1    **A**           **My girlfriend, fiancée.**

2    **Q**           And how long have you lived with Miss Maitlin?

3    **A**           **Approximately a year.**

4    **Q**           And have you been married in the past?

5    **A**           **I have.**

6    **Q**           And to whom?

7    **A**           **Donna Gilberti.**

8    **Q**           And how long were you married, about, to Miss  
9    Gilberti?

10   **A**           **I was married for 12 years.**

11   **Q**           And what dates?

12   **A**           **Actually, I was married for 12 and then I was**  
13   **separated and recently was divorced, approximately a**  
14   **year.**

15   **Q**           So you were married to Miss Gilberti around the  
16   time of the events that are raised in this case?

17   **A**           **Yes.**

18   **Q**           Do you have any children?

19   **A**           **No.**

20   **Q**           Have you ever been convicted of a felony?

21   **A**           **I don't think so. I've had a DUI. Is that a**  
22   **felony?**

23   **Q**           I don't know. I could ask you about it. You  
24   were convicted of a DUI?

1    **A**           **Yes.**

2    **Q**           And when was that?

3    **A**           **That was, I believe, '07. Summer of '07, I**  
4    **believe.**

5    **Q**           That's your best recollection?

6    **A**           **Yes.**

7    **Q**           And where and when did that occur?

8    **A**           **That was in New Jersey.**

9    **Q**           And were there any other misdemeanors or felony  
10   convictions that you can remember?

11   **A**           **No.**

12   **Q**           Any arrests that did not lead to conviction?

13   **A**           **No.**

14   **Q**           Have you ever filed for bankruptcy?

15   **A**           **No.**

16   **Q**           What's your highest level of education?

17   **A**           **High school diploma.**

18   **Q**           Where did you go?

19   **A**           **Interboro High School.**

20   **Q**           And did you graduate?

21   **A**           **Yes.**

22   **Q**           And when was that?

23   **A**           **1988.**

24   **Q**           Did you take any classes after graduating from

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1 Q What kind of route did you have?

2 A **Residential route.**

3 Q Residential delivery?

4 A **At first, yes.**

5 Q This is when you first started?

6 A **Yes.**

7 Q And did that change at some point?

8 A **Yes, I was commercial, downtown.**

9 Q And do you remember about when that happened?

10 A **Approximately 1995.**

11 Q And during your employment at UPS, were you  
12 really driving a package car the entire time?

13 A **Was I really driving a package car?**

14 Q I'm sorry, let me clarify. The "really" wasn't  
15 helpful, was it? Did you drive a package car as your  
16 primary job responsibility for the time you were  
17 employed at UPS?

18 A **The entire time, no.**

19 Q So what other types of work did you do for UPS?

20 A **I was a package handler from '88 to '91. '91**  
21 **on, I was a package car driver.**

22 Q What does a package handler do?

23 A **Sorts packages, loads packages, unloads**  
24 **packages.**

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1 Q Is that something that happens at a warehouse?

2 A Yes.

3 Q Where was that?

4 A I started in West Chester in '88 and moved to  
5 the airport when that building opened up.

6 Q When did you become a package truck driver?

7 A They came to me and asked me on my seniority  
8 date. I had showed interest in becoming a driver and my  
9 seniority date came up and they brought me in for  
10 full-time.

11 Q And at that time, did you receive any training?

12 A Yes.

13 Q Can you remember what kind of training you  
14 received?

15 A On-the-road training, it was.

16 Q When you say on-the-road, do you mean how to  
17 drive or how to deliver?

18 A Yes, they showed you how to properly -- UPS's  
19 way of delivering. Go through the truck and it's loaded  
20 in certain sections. So they would take you out, show  
21 you the route, show you how to deliver, all the safety  
22 methods, all the safe driving methods.

23 Q Now, do you know whether your position at UPS  
24 as a package truck driver was a Department of

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1 Transportation regulated position?

2 **A Yes.**

3 Q What does that mean? What sorts of  
4 regulations?

5 **A Every couple years or few years, I would have a  
6 physical redone. And that's it.**

7 Q So it's a DOT-mandated physical every few  
8 years?

9 **A Yes.**

10 Q And are there any training requirements that  
11 came with that that you're aware of, DOT requirements?

12 **A I don't understand.**

13 Q Any other DOT requirements that you're aware of  
14 other than getting a physical?

15 **A They take a urine. They do your eyesight, your  
16 weight, height. Just a regular physical, I guess.**

17 Q And did you receive training in any Department  
18 of Transportation regulations about safe driving?

19 **A No.**

20 Q And do you happen to know whether that package  
21 truck driver position is covered by DOT drug and alcohol  
22 testing rules and regulations?

23 **A I'm not sure. You mean do they check also, the  
24 DOT?**

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1 Q No. And I think you may have answered my  
2 question by not being sure. But at any time, were you  
3 informed that drug and alcohol tests or drug and alcohol  
4 rules applied to your position and that those rules were  
5 mandated by the U.S. Department of Transportation?

6 A I'm not sure.

7 Q Let's step back a little bit. If you remember,  
8 what was your salary at the time you were hired?

9 A As a part-time employee when I was first hired?

10 Q If you remember it.

11 A Approximately \$8.50, I think, something like  
12 that.

13 Q And did that change when you became a full-time  
14 driver?

15 A Yes.

16 Q What did it go to?

17 A I'm not definite. I think it was maybe 17 or  
18 something like that.

19 Q There was an increase?

20 A Oh, yes.

21 Q And do you remember what you were making when  
22 you concluded your job as a package truck driver with  
23 UPS?

24 A Approximately 28.



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1 Q And that's per hour?

2 A **Excuse me?**

3 Q Is that \$28 per hour?

4 A **Yes.**

5 Q And the entire time you worked for UPS -- I may  
6 have asked this, so I apologize if I did -- you held the  
7 package truck driver role with UPS from 1991 through  
8 your termination, is that correct?

9 A **Yes.**

10 Q I just wanted to make sure I got that right.

11 Thank you.

12 While you were employed with UPS -- and  
13 we'll stick to the truck driver position going forward  
14 unless I say otherwise -- were you, in fact, subject to  
15 drug and alcohol testing?

16 A **Yes.**

17 Q And what types of tests were required of you?

18 A **What types of drug and alcohol tests?**

19 Q Yes.

20 A **Urine test.**

21 Q And did you have one before you became a  
22 driver?

23 A **Yes.**

24 Q And were you subject to a random test?

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1     **A**           **Yes.**

2     **Q**           Were there post-accident tests if you were to  
3     have been involved in an accident?

4     **A**           **Were there? You mean is that their rule or did**  
5     **I have them?**

6     **Q**           Were there?

7     **A**           **Yes, that's a rule.**

8     **Q**           They have a post-accident testing policy?

9     **A**           **Yes.**

10    **Q**           And do they have a reasonable suspicion testing  
11    policy?

12    **A**           **Yes.**

13    **Q**           And do they have follow-up and return to work  
14    testing for people who may have violated their rules in  
15    the past?

16    **A**           **Yes.**

17    **Q**           And you were aware of their drug and alcohol  
18    testing policy how?

19    **A**           **Through the UPS handbook.**

20    **Q**           Is that something that was given to you as a  
21    driver?

22    **A**           **Yes.**

23    **Q**           Do you have a copy of it now?

24    **A**           **I do not.**

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1 Q What else was in the handbook?

2 A All rules of UPS and their employees and  
3 Teamsters.

4 Q Is the UPS handbook with the rules for  
5 employees and Teamsters, is that a UPS internal  
6 publication or is it a collective bargaining agreement,  
7 if you know?

8 A I'm not sure. I do not know.

9 Q You mentioned the Teamsters. Were you a member  
10 of the Teamsters while you were with UPS?

11 A Yes.

12 Q And when did you join the union or become  
13 covered by the union contract?

14 A I guess it's 90 days after you're first hired  
15 as a part-time employee. Everybody there is in the  
16 union unless you're in management.

17 Q That's very helpful. Thank you. And so we  
18 talked about the types of testing that the people who  
19 work there may have been subjected to. What sorts of  
20 drug and alcohol tests were you subjected to that you  
21 remember while you were there?

22 A Just urine tests, I guess.

23 Q Did you have a pre-hire test before you came  
24 on?

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1     **A**           **I'm not sure about part-time. Full-time, yes.**

2     **Q**           And were you ever subjected to a post-accident  
3     test?

4     **A**           **I don't think I -- no.**

5     **Q**           And, as far as you know, were you ever pulled  
6     aside where they said, hey, we'd like to send you for a  
7     reasonable suspicion drug and/or alcohol test?

8     **A**           **No.**

9     **Q**           At some point, you became subject to follow-up  
10    testing while employed by UPS. Can you describe how  
11    that came about?

12    **A**           **I went to classes. I had the DUI, as I said to**  
13    **you earlier, in Jersey. And UPS sent me to their**  
14    **program. And I was subject to urine drug tests in that**  
15    **program and then by UPS afterwards when I went back to**  
16    **work.**

17    **Q**           Let me break that down a little bit. So  
18    following the DUI that you had in New Jersey, I gather  
19    UPS became aware of that?

20    **A**           **Right.**

21    **Q**           And how did they become aware of that?

22    **A**           **I don't know.**

23    **Q**           Did you lose your license for a period of time?

24    **A**           **In New Jersey I did. Six months. But not in**

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1 **PA.**

2 Q That did not affect your ability to drive in  
3 Pennsylvania?

4 **A No.**

5 Q Did you have a Pennsylvania or New Jersey  
6 license at that time?

7 **A Pennsylvania.**

8 Q And as a result of that test, UPS, I think you  
9 said, "put me in their program." Can you tell me a  
10 little bit more about that? What did that mean for you?

11 **A I was never aware of it, I guess. I talked to**  
12 **my Teamsters and asked them what I should do. UPS sent**  
13 **me to Keystone Crozer, I believe it is, for, I guess,**  
14 **classes, they're called. They have a certificate. I**  
15 **should have brought that in.**

16 Q Classes on substance abuse or alcohol?

17 **A Yes, drug and alcohol, it was.**

18 Q Do you remember whether you were evaluated by  
19 somebody to see what sorts of classes or treatment they  
20 would have prescribed for you?

21 **A I was evaluated by someone at Keystone.**

22 Q And did they make recommendations for you?

23 **A I'm not sure.**

24 Q I think you said that you got put through the

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1 program. And I'm a little unsure of the connection  
2 between the person at Keystone who, I guess, met with  
3 you and getting into the UPS program. So I don't mean  
4 to belabor things but just to try and better understand,  
5 you went to see the Keystone person because somebody at  
6 the Teamsters sent you?

7 **A No, UPS had come to me.**

8 **Q** Someone in management?

9 **A Yes, someone in management.**

10 **Q** And they asked you to go to see Keystone?

11 **A They said they heard about the DUI or whatever**  
12 **and they had to -- I guess it's their rules and**  
13 **regulations that if you have a DUI, that you go through**  
14 **their classes. That's where they sent me, Keystone.**

15 **Q** So the Keystone person met with you and you're  
16 not aware whether they made any recommendations about  
17 what sorts of classes you should --

18 **A No, it's just a basic class. They don't do an**  
19 **evaluation and say he needs to go here or he needs to go**  
20 **there. You just go to the class. They did ask me**  
21 **questions and stuff like that, but --**

22 **Q** Did you miss work during this time?

23 **A No.**

24 **Q** Were you driving in that period?

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1 Q And did they call those follow-up tests at UPS?

2 A I'm not sure.

3 Q As far as you know, was the process for testing  
4 the same?

5 A Same as?

6 Q As the testing that you had been subjected to  
7 before. Did anything change about how you were notified  
8 to go for the test or the test that was performed?

9 A No. They would call me in the morning and say  
10 you need to go take a test before you come into work.

11 Q And the test was the same as the test, as far  
12 as you know, that you had before?

13 A As far as I know.

14 Q Did you have to sign any sort of agreement with  
15 UPS or the union about your return to work and testing?

16 A I don't recall.

17 Q I'm going to hand you a document and ask if you  
18 recognize this. Do you recognize that document?

19 A Do I recognize it?

20 Q Yes.

21 A No.

22 MS. DELOGU: I'm going to hand it to  
23 the court reporter and ask him to mark it as  
24 exhibit 1.

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1 (Document marked for identification as  
2 McBride exhibit 1.)

3 BY MS. DELOGU:

4 Q If you could take a look at it.

5 You took a minute to look it over.

6 Have you had a chance to review as much as you wanted to  
7 of that document before I ask you a few questions?

8 **A Sure.**

9 Q Where it says employee's signature on the page,  
10 is that your signature?

11 **A Yes.**

12 Q And there's something to the left of that that  
13 looks like a date and some initials. Are those also  
14 your marks?

15 **A It looks like it. I'm not sure what it is.**

16 Q I think it says 1/3/68, but I can't be sure.  
17 That's not your birthday, is it?

18 **A No.**

19 Q And do you recognize the signature of the  
20 person that's just over what's marked as SAP, slash,  
21 treatment care professional?

22 **A Do I recognize the name?**

23 Q Yes. Or can you read the signature?

24 **A No.**



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1           conducted by his attorneys. Just note my  
2           objection to that. Now, subject to that, if  
3           you want to go through and ask him about each  
4           one of these little subparagraphs, fine. And  
5           obviously he's going to answer. But just note  
6           my objection as to those questions.

7                       MS. DELOGU: Absolutely, absolutely.  
8           I'm looking for personal knowledge he may have  
9           about each of these allegations. And I  
10          understand there's also ongoing discovery that  
11          may turn up other information. Do I understand  
12          the objection?

13                      MR. BAIRD: That's it completely. And  
14          I just didn't want to make the same objection  
15          to the form for each one of these. So I'm just  
16          laying it out there now.

17                      MS. DELOGU: Absolutely.

18 BY MS. DELOGU:

19 Q           Mr. McBride, you said a few moments ago that  
20          you believe that this complaint accurately and fully  
21          represents the claims that you have in this suit. And  
22          what I'm asking you, the question is that's out there,  
23          if you will, is what factual knowledge do you have, on  
24          what basis do you believe that a proper chain of custody

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1 of the drug test specimen was not followed? Do you have  
2 any personal knowledge about what might have happened to  
3 the chain of custody?

4 **A I would be guessing, my opinion. I don't know**  
5 **exactly.**

6 Q That's fair. The second item there on the  
7 negligence count I is sub (b), which says that the  
8 defendants were careless, reckless and/or negligent  
9 because they failed to communicate with plaintiff --  
10 that's you -- and the testing facilities, any and all  
11 factors and/or agents which could or did affect the  
12 testing process, including but not limited to your  
13 pre-test dental procedure and related use of Septocaine.  
14 My question to you is, are there any facts of which  
15 you're aware to support the idea that the defendants  
16 didn't communicate with you about your pre-test dental  
17 procedure and the related use of Septocaine?

18 **A I'm not sure what you're asking.**

19 Q Well, let me rephrase the question. You've  
20 alleged here in paragraph 23 of the complaint that the  
21 local anesthesia that you took contained Septocaine,  
22 which you assert can trigger a false positive result on  
23 a drug test for cocaine. And the complaint alleges that  
24 the fact that you had used this medication was not

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1     communicated.

2     **A           I guess if they had a checklist asking me if I**  
3     **took something? I don't know.**

4     Q           So you were not presented with a checklist?

5     **A           I guess they didn't know or ask me if I had**  
6     **taken anything.**

7     Q           So, as far as you know, no one called and said,  
8     gee, Mr. McBride, we've got a positive test here, did  
9     you use Septocaine?

10    **A           Yes.**

11    Q           With respect to count I, sub (c), the  
12    allegation that the defendant failed to ensure the  
13    accuracy of the drug test. You may have already  
14    answered this, but is it your contention that the drug  
15    test must have been inaccurate because you do not use  
16    cocaine?

17    **A           Yes, it was inaccurate.**

18    Q           Sub (f) in the same count alleges that the  
19    defendants were careless, reckless and/or negligent  
20    because they did not conduct a pre-test interview to  
21    rule out abnormalities which could and/or did influence  
22    the test. Correct?

23    **A           Correct.**

24    Q           Was it part of the UPS testing process to offer

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1 you a pre-test interview at any time during your  
2 employment there?

3 **A Did UPS do a pre-test interview with me?**

4 Q Well, you've testified that you were subject to  
5 drug and alcohol testing as an employee of UPS from, if  
6 I understood you correctly, from 1991 on. And I'm  
7 wondering if at any occasion, on any of the tests, you  
8 were given a pre-test interview.

9 **A No.**

10 Q Do you have any personal knowledge about  
11 carelessness, recklessness or negligent conduct of the  
12 defendants that's related to your allegation that they  
13 failed to maintain or cause to be maintained quality  
14 control testing and/or reporting mechanisms and/or  
15 protocols?

16 **A Do I have --**

17 Q Personal information about that.

18 **A I don't know. I'm not sure what you want me to**  
19 **answer.**

20 Q Well, the complaint alleges that the defendants  
21 didn't do certain things, didn't maintain appropriate  
22 quality control and didn't have appropriate reporting  
23 mechanisms or protocols. And I'm wondering, how did you  
24 reach that conclusion. You mentioned before that the

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1 test was false, but did you have any personal  
2 experience, did you experience anything in the course of  
3 the testing process that led you to believe, other than  
4 what you've already told us, which is that the test was  
5 inaccurate, that there was some kind of quality control  
6 problem or a lack of reporting mechanisms?

7 **A As to -- what's it called? Where I had taken**  
8 **the urine test.**

9 **Q Yes.**

10 **A Yes, there was a lot of chaos in that office**  
11 **and different people coming in and out.**

12 **Q So was that at the collection site where you**  
13 **gave the specimen?**

14 **A Yes.**

15 **Q I'll ask you some more about that later. Thank**  
16 **you. Was there anything that happened during the course**  
17 **of the testing process, other than the chaos at the**  
18 **collection site and the people coming in and out, that**  
19 **you think is factually related to the outcome of the**  
20 **drug test, something that you experienced or have**  
21 **personal knowledge of?**

22 **A No.**

23 **Q So just to step back and go through things one**  
24 **at a time, you returned to work following counseling and**

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1 meetings, I think you said, that were mandated by UPS  
2 through Keystone. And following your return to work,  
3 you were subject to more frequent random drug testing?

4 **A Yes.**

5 Q Was that random drug and alcohol testing, Mr.  
6 McBride?

7 **A Yes.**

8 Q Do you know why it was both?

9 **A UPS's rule.**

10 Q How many alcohol tests do you think you were  
11 asked to take after you returned to work as a driver and  
12 had completed the treatment we've already discussed?

13 **A How many drug and alcohol tests?**

14 Q How many alcohol? Let's do that first.

15 **A Approximately 20.**

16 Q 20? And over what period of time?

17 **A From the time I returned to work until I was  
18 terminated.**

19 Q Do you remember when you returned to work?

20 **A No, I don't.**

21 Q Was it a year, two years, six months?

22 **A I thought I just took the test. I don't know  
23 when it was.**

24 Q You don't remember, okay. And with respect to

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1 each form. Go ahead and take a look at that. But my  
2 copy has one that's marked 2/21/2008, one is marked  
3 4/3/2008, one marked 10/30/08 and one marked 10/9/08.  
4 Do you see that?

5 **A Yes.**

6 Q And each one appears to bear your signature.  
7 But go ahead and tell me if you think that's wrong.

8 **A No, I believe they're mine.**

9 Q On this form, it says once you receive this  
10 notification, report immediately to your designated  
11 testing facility. And then there is a collection site  
12 given. And each of them appears to be something called  
13 Worknet in Lester, Pennsylvania. Do you recall, is that  
14 where you went to participate in the follow-up drug  
15 testing?

16 **A Yes.**

17 Q Do you know whether any documents like this  
18 exist in addition to the four pages that have been  
19 marked collectively as exhibit 3?

20 **A Do I know if there's more?**

21 Q Yes.

22 **A I do not.**

23 Q Do you believe you received one of these for  
24 each time you were asked to test?

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1     **A**           **I don't know.**

2     **Q**           Have you provided all documents in your  
3     possession to your attorney that would relate to testing  
4     notification?

5     **A**           **I believe so.**

6     **Q**           That's all the questions I have about that one.  
7     So if you went to Worknet to produce a test sample, what  
8     was the process? How would that go once you got there?

9     **A**           **Get there and sign in. I'd sign whatever**  
10    **papers they would have me sign and wait to be called in**  
11    **and go in and give my sample and a breathalyzer.**

12    **Q**           Was it always the breathalyzer first?

13    **A**           **I'm not sure.**

14    **Q**           But there was a breathalyzer test, I think you  
15    said, at each time and also a urine specimen was  
16    collected?

17    **A**           **Yes.**

18    **Q**           Were those collected with an observed  
19    collection or non-observed collection?

20    **A**           **I'm not sure what that means.**

21    **Q**           When you were asked to produce a urine  
22    specimen, were you provided privacy in the restroom?

23    **A**           **Yes.**

24    **Q**           Was the process of giving the breath specimen

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1 and the urine specimen pretty much the same every time?

2 **A Pretty much the same.**

3 Q Was anything different that you recall about  
4 the test you took on October 30, 2008? And just to be  
5 clear, October 30 is the test that the complaint alleges  
6 came back with a false positive.

7 **A Just being very hectic and chaotic in the**  
8 **office that day.**

9 Q When you say it was hectic and chaotic, do you  
10 mean there were a lot of people waiting to give samples?

11 **A There were a lot of people there. I'm not sure**  
12 **why they were there. I think they have another section**  
13 **to the Worknet maybe for rehab, rehabilitation for the**  
14 **body, not for drugs. I'm not sure if they were**  
15 **short-staffed. It was just very chaotic and hectic.**

16 Q Did it take longer than usual?

17 **A Yes. It seemed like it.**

18 Q Do you recall, when you gave your urine  
19 specimen, was there a form that got completed to  
20 document the collection?

21 **A I'm not sure.**

22 Q I've got some different copies of what are  
23 titled custody and control form and I stapled them all  
24 together. And I think it would probably be easiest for

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1     crossed off as a single specimen. Is that correct?

2     **A           Yes, that's what it says here.**

3     **Q           It says, "Collector affixes bottle seals to**  
4     **bottles. Collector dates seals. Donor initials seals.**  
5     **Donor completes step 5." Do you remember being asked to**  
6     **put your initials on the seals over your urine**  
7     **collection?**

8     **A           I do remember doing that during my tests. I**  
9     **don't recall if I did it every time but I do remember**  
10    **doing that.**

11    **Q           That was going to be my next question. Do you**  
12    **remember if there was anything different about this test**  
13    **in that regard on the day when it was so busy?**

14    **A           I don't remember.**

15    **Q           And part 5, where it says completed by the**  
16    **donor, you've already said that that's your information?**

17    **A           Yes.**

18    **Q           Was there anything else unusual other than the**  
19    **extreme busy-ness and chaos that you remember on the**  
20    **morning that your sample was collected that we've**  
21    **already talked about, anything else you noted strange**  
22    **about that particular collection on October 30?**

23    **A           No.**

24    **Q           What did you do after you gave your urine and**

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1 have you been anywhere where somebody would have put it  
2 in your drink? Or something else they asked me. So  
3 they did ask me something, it was just have you been  
4 somewhere where they could have put it in your drink?  
5 And I said I guess you could be anywhere and have them  
6 put it in your drink. I told them that could be, you  
7 know. There was something else they had asked me. I'm  
8 not sure. It's been a while.

9 Q It may come back to you later. Let me know if  
10 it does.

11 What happened after you returned to --  
12 well, I guess you said somebody came and you didn't  
13 finish your route?

14 A Right.

15 Q What happened after that?

16 A I went back to UPS.

17 Q Did you have to meet with anyone?

18 A Well, I met with my supervisor and my manager.  
19 I don't recall if there was somebody there from the  
20 Teamsters, like a business agent or something. And  
21 that's it. I spoke with my supervisor and my manager.  
22 They said I was a good employee there, so they were kind  
23 of shocked themselves. We just talked. That was it.  
24 They walked me out.

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1 Q When they walked you out, were you suspended,  
2 terminated?

3 A I was terminated at that point, I believe.

4 Q Did you get paperwork later on confirming your  
5 termination?

6 A Later on I believe I did because the Teamsters,  
7 I guess, tried to fight for my job back for UPS. And  
8 that was it.

9 Q And not to rush ahead there, but when the  
10 Teamsters tried to fight for you to get your job back,  
11 what did that consist of?

12 A You know, I'm not sure. I wasn't there for any  
13 of it.

14 Q Do you know if there was a hearing, for  
15 example?

16 A I don't know. If there was, I wasn't present.

17 Q And when you say you weren't present, is that  
18 because you weren't invited to be present or you weren't  
19 able to be present?

20 A I wasn't invited, no. I'm not sure how that  
21 whole thing works with the Teamsters and all that. I  
22 just kept in contact with somebody from the Teamsters  
23 and they would tell me what was going on.

24 Q Well, did somebody at the Teamsters let you

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1 know that they weren't going to change their mind over  
2 at UPS or what do you recall about that?

3 **A That is what I was told, that they just said**  
4 **your job's terminated.**

5 Q Did you try and push it any further, protest  
6 that?

7 **A No, I don't believe so. I gave them the same**  
8 **paperwork, that I was at the dentist. I tried to think**  
9 **of anywhere I could be, knowing that I didn't do it. I**  
10 **gave them my dentist's note and that was it.**

11 Q Actually, let's talk about the dentist's note.  
12 You went to the dentist, I guess, sometime proximate to  
13 the test collection, correct?

14 **A Correct.**

15 Q And you had some procedure performed, I  
16 believe?

17 **A Yes.**

18 Q Do you know whether you were administered any  
19 medication or drugs while you were there at the dentist?

20 **A Yes.**

21 Q And, to your knowledge, what were you given?

22 **A To my knowledge now, Septocaine.**

23 Q And did your dentist tell you about that at the  
24 time?

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1     **A**           **No.**

2     **Q**           Did you have some kind of --

3     **A**           **Well, I knew they were giving me something to**  
4     **numb me up or whatever for the procedure.**

5     **Q**           What made you go to your dentist to get more  
6     information?

7     **A**           **I believe after the test, when I heard about**  
8     **the positive test, that I just thought of how could it**  
9     **come back positive? I believe I spoke with my wife at**  
10    **the time and she says, well, it would have to be because**  
11    **you went to the dentist. So I called the dentist and**  
12    **asked them what they gave me. I got a note and provided**  
13    **that to UPS.**

14    **Q**           Do you remember when you provided the note to  
15    UPS?

16    **A**           **No, I don't.**

17    **Q**           I believe you provided that note to us. Let me  
18    see if I can get it out.

19                   (Document marked for identification as  
20                   McBride exhibit 5.)

21    BY MS. DELOGU:

22    **Q**           Is this the note that you referenced, Mr.  
23    McBride?

24    **A**           **Yes. I thought there was more to it.**

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1 Q Do you remember when you gave that note? I  
2 don't see a date.

3 A I don't remember.

4 Q Do you remember whether it was before or after  
5 the termination of your employment?

6 A I'm sorry? Excuse me?

7 Q Was it before or after you were terminated from  
8 employment with UPS?

9 A Oh, this was after I was terminated.

10 Q And you say you provided it to your union rep?

11 A Union rep and UPS, I believe.

12 Q And I gather that the letter did not change  
13 their mind about the termination?

14 A No.

15 Q Did your dentist tell you at any point that  
16 Septocaine could cause a positive test result for  
17 cocaine?

18 A Did they tell me that?

19 Q Yes.

20 A I don't think so.

21 Q Do you have any personal knowledge that, in  
22 fact, Septocaine can cause a positive test result for  
23 cocaine?

24 A Do I have that personal knowledge? Did I know

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1     **that then?**

2     Q           Do you know it now?

3     A           **No.**

4     Q           Well, do you believe that Septocaine can cause  
5     a positive test for cocaine or were you concerned that  
6     it might?

7     A           **I was concerned that it might. Like I said, my  
8     wife at the time said have that checked out, see if that  
9     was why. Just trying to find a reason.**

10    Q           Absolutely. I understand. Were there any  
11    other medications that you were using at that time?

12    A           **No. When you say medications, do you mean  
13    illegal medications?**

14    Q           No, I meant legal medications.

15    A           **No. I was actually in training at the time, so  
16    I don't know if like sports drinks or anything like  
17    that --**

18    Q           When you say training, you were working out a  
19    little more?

20    A           **Yes. A lot more, yes.**

21    Q           Training for anything in particular?

22    A           **No.**

23    Q           Do you recall, when somebody called you to tell  
24    you that your drug test was positive, whether you



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1     **A**           **George Caroulis, yes.**

2     Q           I believe you mentioned that you knew that the  
3     union had done something on your behalf. And I'm going  
4     to show you a document which I believe you and your  
5     counsel produced to us.

6                   (Document marked for identification as  
7     McBride exhibit 7.)

8     BY MS. DELOGU:

9     Q           Let me know if you've seen that document  
10    before.

11    **A**           **Yes.**

12    Q           And is this in the procedure that you were  
13    referencing when you said the union did something on  
14    your behalf?

15    **A**           **Yes.**

16    Q           And does the date look about right?

17    **A**           **Yes.**

18    Q           Do you remember when you were informed that  
19    they were not going to change their decision?

20    **A**           **I don't remember, no.**

21    Q           I want to show you a document which I believe  
22    was produced to you through the discovery process by  
23    NDI, which is the National Diagnostics entity that I  
24    represent. I don't know whether you have seen this,

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1 complaint about was, in fact, collected on 10/30/08 and  
2 reported positive by NDI. So I just want to make sure,  
3 this is the test that you complained of in the amended  
4 complaint, right?

5 **A Yes.**

6 Q There are some boxes checked and then below  
7 that it says MRO note, 11/5, interviewed by Dr.  
8 Theriault. Do you remember being interviewed by anyone  
9 at NDI and do you remember whether that individual  
10 identified themselves as a doctor?

11 **A I don't know if it was an interview. It was, I**  
12 **think -- I am not definite if this is the person who**  
13 **called to let me know my results, if that's who this is.**

14 Q Well, if I look below that page, contact  
15 history, it indicates there was a call placed the day  
16 before and it also states, "I scheduled an appointment  
17 for the donor to speak with the MRO at 10:30 a.m. on  
18 November 5. I explained the consequences of the  
19 doctor's declining to speak with the MRO or failure to  
20 call back for this appointment, i.e., that the MRO will  
21 verify the" -- that's nothing but an entry on a form.  
22 It may or may not be correct. But what I'm asking is,  
23 when you review that, does that jog your memory at all?  
24 Do you recall whether perhaps you were contacted the day

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1 before and scheduled an appointment to speak to someone  
2 the next day?

3 A Yes. I believe they called to inform me of the  
4 positive result. And I don't know if it was that day or  
5 the next day or what day it was that I spoke to someone  
6 else, I'm not sure who it was, who had asked me about it  
7 and, I guess, asked me some questions about it and why  
8 it would come back positive. Because I obviously was  
9 putting up a fight on why it would come back positive.  
10 And I think that they said they could do a retest. I  
11 said that would be great, but not realizing when they  
12 were saying that, it would be a retest on the same urine  
13 that I had given. And I think they did that. I said  
14 yeah, absolutely, try anything. I don't know what  
15 that's going to do if it's the same urine.

16 Q It does say on contact history further down,  
17 split ordered. The labs were split ordered. And then  
18 above that, under MRO notes, it says, "11/24, donor  
19 aware of retest results." So it does look as though a  
20 retest was ordered. And do you recall getting a  
21 follow-up call from anyone on that retest?

22 A I don't recall the phone call. I'm sure they  
23 did.

24 MR. BAIRD: Don't guess.

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1     **doctor or the dentist. But I'm sure I could find out.**

2     Q           I believe you testified to this today, but  
3     because the interrogatory is a little bit inconsistent,  
4     I want to make sure I have the answer correct. I  
5     believe you testified that around the time of the drug  
6     test, the only medical procedure you had was that trip  
7     to the dentist. Is that correct?

8     **A           That's correct, yes. That's all I remember.**

9     Q           To the best of your recollection, you don't  
10    remember taking any other kinds of medication at that  
11    time?

12    **A           No.**

13                   MS. DELOGU: I have nothing further. I  
14    think we've identified some documents that we  
15    are going to find and there may be other  
16    documents that I didn't ask about that are in  
17    the document production responses that I might  
18    push back and say I haven't had a chance to go  
19    through them. But I can do that through your  
20    counsel.

21                   MR. BAIRD: We'll get our hands on that  
22    stuff as soon as possible of those items that  
23    he's identified that he would look for and  
24    we'll get you those.

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1 MS. DELOGU: Thank you. That obviously  
2 helps us understand your claims better to have  
3 those.

4 THE WITNESS: Right. That's fine.

5 BY MR. BAIRD:

6 Q I just have a couple questions. To your  
7 understanding, why were you fired from UPS?

8 A For a drug test that came back positive.

9 Q And that test was for cocaine, right?

10 A Yes. The test was for cocaine? The positive  
11 test.

12 Q The sample allegedly tested positive for  
13 cocaine?

14 A Right.

15 Q Have you ever used cocaine before?

16 A No.

17 Q You testified about some treatment that you  
18 had, substance abuse treatment. What was the reason for  
19 that treatment?

20 A For a prior DUI.


21 Q To your understanding, was that alcohol abuse  
22 treatment?

23 A Yes.

24 Q And counsel asked you about exhibit 8. It's an

C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the proceedings held in this matter, as transcribed from the stenographic notes taken by me on February 3, 2012.

  
BRAD TRATENBERG  
Court Reporter - Notary Public

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